
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Verizon Pennsylvania, Inc.)	File No. EB-11-PA-0139
Physical System ID # 020696)	
Upper Moreland Township, Pennsylvania)	NOV No. V201132400033
.)	

NOTICE OF VIOLATION

Released: August 23, 2011

By the District Director, Philadelphia Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to section 1.89 of the Commission's Rules¹ to Verizon Pennsylvania, Inc. ("Verizon"), the operator of a cable system in Upper Moreland Township, Pennsylvania.
2. On July 27, 2011, an agent of the Commission's Philadelphia Office inspected the Emergency Alert System ("EAS") equipment located at the Verizon headend at 17 East Oregon Avenue, Philadelphia, Pennsylvania, and observed the following violation:

47 C.F.R. § 11.35(a): "...EAS Participants must determine the cause of any failure to receive the required tests or activations specified in sections 11.61(a)(1) and (a)(2). Appropriate entries indicating reasons why any tests were not received must be made in the ... cable system records as specified in §§ 76.1700, 76.1708, and 76.1711 of this chapter." At the time of the inspection, there were no entries in Verizon's EAS logs indicating the reasons why the required weekly tests were not received from WMGK between July 4, 2011 and July 26, 2011, and between June 1, 2011 and June 22, 2011.

3. As the nation's emergency warning system, the Emergency Alert System is critical to public safety, and we recognize the vital role that broadcasters play in ensuring its success. The Commission takes seriously any violations of the Rules implementing the EAS and expects full compliance from its regulatees. Pursuant to section 403 of the Communications Act of 1934, as amended,² and section 1.89 of the Commission's Rules, we seek additional information concerning the violation(s) and any remedial actions the station may have taken. Therefore, Verizon must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully

¹47 C.F.R. § 1.89.

²47 U.S.C. § 403.

explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.³

4. In accordance with section 1.16 of the Commission's Rules, we direct Verizon to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Verizon with personal knowledge of the representations provided in Verizon's response, verifying the truth and accuracy of the information therein,⁴ and confirming that all of the information requested by this Notice which is in the licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁵
5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Philadelphia Office
One Oxford Valley Building, Suite 404
2300 East Lincoln Highway
Langhorne, Pennsylvania 19047

6. This Notice shall be sent to Verizon at its address of record.

³47 C.F.R. § 1.89(c).

⁴Section 1.16 of the Commission's Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'. " 47 C.F.R. § 1.16.

⁵18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

Federal Communications Commission

7. The Privacy Act of 1974⁶ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Gene J. Stanbro
District Director
Philadelphia District Office
Northeast Region
Enforcement Bureau

⁶P.L. 93-579, 5 U.S.C. § 552a(e)(3).